

Settlement/Hearing: January 5<sup>th</sup>, 2011  
Time: 10:00 A.M.

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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IN RE:

**NORMA STEWART,**

Debtor(s)

-----X

Chapter 13  
Case No. 10-24164 RDD

**NOTICE OF SETTLEMENT**

**PLEASE TAKE NOTICE**, that an *Order*, a true copy of which is annexed hereto, will be presented for signature to the Hon. Robert D. Drain, United States Bankruptcy Judge, on the 5<sup>th</sup> day of January, 2011 at 10:00 A.M. at the United States Bankruptcy Court, 300 Quarropas Street, White Plains, New York.

Hearings on Objections, if any, to be conducted same place, date and time.

Written objections or counterorders must be submitted to chambers by no later than close of business *three (3) days prior* to settlement.

Dated: White Plains, New York  
December 1<sup>st</sup>, 2010

/s/ Jeffrey L. Sapir  
**Jeffrey L. Sapir (JLS0938)**  
**Chapter 13 Trustee**  
**399 Knollwood Road**  
**White Plains, New York 10603**  
**Chapter 13 Tel. No. 914-328-6333**

TO: United States Trustee  
33 Whitehall Street  
New York, New York 10004

Norma Stewart  
42 Ehrbar Place  
Mount Vernon, New York 10552

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
IN RE:

Chapter 13  
Case No. 10-24164 RDD

**NORMA STEWART,**

Debtor(s)  
-----X

**ORDER DISMISSING CHAPTER 13 CASE**

The chapter 13 trustee, having moved for an order dismissing this chapter 13 case, and upon the motion and the record of the January 5, 2011 hearing thereon, the Court having found that the above-captioned debtor has failed to comply with the provisions of 11 U.S.C. §1307(c)(1), (c)(3) and (c)(4), 11 U.S.C. §521(i) and (e)(2)(A)(i), having created unreasonable delay that is prejudicial to creditors, in that the debtor failed to appear and be examined at the scheduled 341(a) meeting of creditors; failed to timely file a plan, failed to remit proposed plan payments to the trustee, failed to provide the required documentation, in part, payment advices and evidence of other payments received within 60 days, and seven (7) days prior to the §341(a) meeting of creditors, copies of Federal and New York State tax returns for the year immediately prior to filing, and good cause appearing,

**IT IS ORDERED THAT:**

This chapter 13 case is hereby dismissed. The chapter 13 trustee shall take all actions required by the dismissal of this case.

Dated: White Plains, New York  
January , 2011

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**UNITED STATES BANKRUPTCY JUDGE**

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

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IN RE:

Chapter 13  
Case No. 10-24164 RDD

**NORMA STEWART,**

**TRUSTEE'S AFFIDAVIT**

Debtor(s)

-----X  
STATE OF NEW YORK                    )  
COUNTY OF WESTCHESTER    )   ss.:

Jeffrey L. Sapir, being duly sworn, deposes and says:

1.       He is the standing Chapter 13 Trustee.
2.       The debtor filed a Chapter 13 proceeding on October 18<sup>th</sup>, 2010.
3.       The debtor failed to comply with the provisions of 11 U.S.C. §1307(c)(1);  
(c)(3) and (c)(4).
4.       The debtor is in violation of 11 U.S.C. §521(i) of the Bankruptcy Code which  
requires the debtor to file in part, payment advices and evidence of other payments received within  
60 days.
5.       The debtor is in violation of §521(e)(2)(A)(i) of the Bankruptcy Code  
which requires the debtor to provide *seven (7) days prior to the §341(a) meeting of creditors*  
,copies of federal tax returns for the most recent year immediately prior to the commencement of  
the case.
6.       The debtor failed to timely file a plan in violation of Bankruptcy Rule  
3015(b).
7.       The debtor failed to remit timely proposed plan payments to the trustee,  
having remitted -0- payments, and being, at this juncture, one month in arrears.
8.       The debtor failed to appear and be examined at the initial 341(a) meeting of  
creditors.

9. The debtor has created unreasonable delay that his prejudicial to creditors.

10. It should be noted that this debtor has filed prior petitions with this Court, to wit, Case No. 00-42838, filed December 11<sup>th</sup>, 2000 and dismissed April 9<sup>th</sup>, 2001; and Chapter 7 Case No. 01-41558, filed May 31<sup>st</sup>, 2001 and discharged September 5<sup>th</sup>, 2001.

**WHEREFORE**, the trustee respectfully requests that the annexed order dismissing this case be signed.

/s/ Jeffrey L. Sapir  
**Jeffrey L. Sapir**

Sworn to before me this  
1<sup>st</sup> day of December, 2010  
/s/ Jody L. Kava

Jody L. Kava  
Notary Public, State of New York  
No. 4836806  
Qualified in Westchester County  
Term Expires: 10/31/13

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X

IN RE:

Chapter 13

**NORMA STEWART,**

Debtor(s)

-----x

**AFFIDAVIT OF MAILING**

STATE OF NEW YORK                    )  
COUNTY OF WESTCHESTER        ) ss.:

Lois Rosemarie Esposito, being duly sworn, deposes and says:

I am not a party to the action herein, I am over the age of 18 years and reside in the County of Westchester, State of New York. On December 1<sup>st</sup>, 2010, I served a true copy of the within document, to the herein listed parties at the address(es) designated for that purpose, by mailing same in a properly sealed envelope with postage prepaid thereon, in an official depository of the United States Postal Service within the State of New York to the following:

**TO::** United States Trustee  
33 Whitehall Street  
New York, New York 10004

Norma Stewart  
42 Ehrbar Place  
Mount Vernon, New York 10552

/s/ Lois Rosemarie Esposito  
**Lois Rosemarie Esposito**

Sworn to before me this  
1<sup>st</sup> day of December, 2010

/s/ Jeffrey L. Sapir  
Jeffrey L. Sapir  
Notary Public, State of New York  
No. 60-8764500  
Qualified in Rockland County  
Cert. Filed in Westchester County  
Term Expires: 12/31/10